

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

BP AUTO GROUP, LLC d/b/a  
HACKETTSTOWN HYUNDAI, PICON  
AUTO GROUP, LLC d/b/a NEWTON  
KIA, PICON AUTO, LLC d/b/a  
TACONIC KIA,

Plaintiffs,

v.

THE REYNOLDS AND REYNOLDS  
COMPANY,

Defendant.

Civ. No. 18-12510

**MEMORANDUM ORDER**

THOMPSON, U.S.D.J.

IT APPEARING that Defendant files a Motion to Confirm Arbitration Award (ECF No. 25) and it further

APPEARING that there is a pending appeal in this case before the Third Circuit (*See* Notice of Appeal, ECF No. 16; *see also* 3d Cir. Case No. 19-1064); and it further

APPEARING that the pending appeal divests this Court of jurisdiction, *see Venen v. Sweet*, 758 F.2d 117, 120 (3d Cir. 1985) (“As a general rule, the timely filing of a notice of appeal is an event of jurisdictional significance, immediately . . . divesting a district court of its control over those aspects of the case involved in the appeal.”) (citing *Griggs v. Provident Consumer Discount Co.*, 459 U.S. 56, 58 (1982)); *Jama v. Esmor Corr. Servs., Inc.*, 2005 WL 2901899, at \*4 (D.N.J. 2005) (relinquishing jurisdiction where the question of appealability is itself before the circuit court); *see also Thomas v. Ne. Univ.*, 470 F. App’x 70, 71–72 (3d Cir. 2012) (upholding district court’s denial of motions while appeal was pending);

IT IS on this 14<sup>th</sup> day of June, 2019,

ORDERED that the Court RESERVES on the Motion to Confirm Arbitration Award  
(ECF No. 25) pending appeal, and it is further

ORDERED that this case is STAYED pending appeal.

/s/ Anne E. Thompson  
ANNE E. THOMPSON, U.S.D.J.